

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JOHN MICHAEL RIVERA §
VS. § CIVIL ACTION NO. 1:01cv673
GERALD DAWSON, ET AL §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

John Michael Rivera, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *informa pauperis*, brought this lawsuit against Gerald Dawson, Major Bryant, J. Smith, Robert Williams and James Denby.

An Initial Report and Recommendation of United States Magistrate Judge has been submitted recommending that the claims of retaliation and denial of due process of law be dismissed as frivolous and for failure to state a claim upon which relief may be granted. Plaintiff filed objections to the Initial Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is

ADOPTED. The claims of retaliation and denial of due process of law are hereby **DISMISSED** with prejudice as frivolous and for failure to state a claim upon which relief may be granted.

SIGNED at Beaumont, Texas, this 8th day of September, 2005.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE